

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Belay Reddick,

Plaintiff,

v.

Ray Holt, Mary M. Mitchell,  
Joseph Neal, Pamela Justice,  
Warren C. Holland, and  
Roy Lathrop,

Defendants.

Civil Action No.2:11-cv-02295-DCN-BHH

**REPORT AND RECOMMENDATION  
OF MAGISTRATE JUDGE**

The Plaintiff, proceeding *pro se*, brought this action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). This matter is before the Court upon two motions: (a) Defendants' Motion to Dismiss (Dkt. No. 24), and (b) Plaintiff's Motion to Dismiss (Dkt. No. 27).

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1) and Local Rule 73.02(B)(2)(e), D.S.C., all pretrial matters in cases involving *pro se* litigants are referred to a United States Magistrate for consideration.

The Plaintiff brought this action on or about July 27, 2011. (See Dkt. No. 1.) On January 17, 2012, Defendants filed a Motion to Dismiss; Plaintiff's Response was due by February 24, 2012. (See Dkt. No. 24; Dkt. No. 25.) Plaintiff did not file a Response. Instead, on or about January 26, 2012, Plaintiff filed document entitled "Notice of Dismissal"; this filing was docketed as a Motion to Dismiss. (See Dkt. No. 27.) In that filing, Plaintiff moves to dismiss the instant action without prejudice. Defendants did not respond to the Plaintiff's motion.

In light of the Plaintiff's Motion to Dismiss, and the fact that Defendants did not oppose this motion, the undersigned RECOMMENDS granting Plaintiff's Motion to Dismiss

(Dkt. No. 27) and dismissing the instant case *without prejudice*. The undersigned further RECOMMENDS dismissing Defendants' Motion to Dismiss (Dkt. No. 24) as moot.

IT IS SO RECOMMENDED.

s/Bruce Howe Hendricks  
United States Magistrate Judge

March 1, 2012  
Charleston, South Carolina

**The plaintiff's attention is directed to the important notice on the next page.**

## **Notice of Right to File Objections to Report and Recommendation**

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4<sup>th</sup> Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk  
United States District Court  
Post Office Box 835  
Charleston, South Carolina 29402

**Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation.** 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).